

No 284
Amendment 284

Amendment to Section
21 Article 11 of the
Constitution limiting
publication of laws de-
crees &c to the English
language

Oct. 14/78
Referred to Com-
mittee on
Legislative Department
Geo. A. Thorburn
Apr. Decy.

Nov 11. of 8
Reported back with
substitution to 301
Thorburn
and Decy

For
Mr. J. H. M. R. R.
See April

Amend Section Twenty-one
Article Eleven of the Consti-
tution so as to read as follows.

Section Twenty-one All
laws, decrees, regulations and
provisions, which from their
nature require publication,
shall be published only in
the English language.

Amendment No 285

A proposed amendment
to Regulate Water Rights
and to provide for
Commissioners therefor.

Oct. 14-1878

Referred to Committee
on
Water & Water
Rights.

Geo. A. Thompson
Apr 1879

Nov 22. 78
Reported back
with recommendation
that no further action
be taken substitute
Am No 574 Thompson
last one

Geo. Venable Smith
Water & Water Rights

Indef Post

Introduced by Geo. Venable Smith Oct. 14-78
A Proposed Amendment ^{to} Regulate Water Rights
Sec. The waters of the State flowing in
the natural channels, and in the Lakes
and Bays thereof, or which may be diverted
therefrom by canals ditches, aqueducts
and pipes, belong to the right of Eminent
domain; and the private use of such waters
shall always be subordinate to their
public use and subject to the control of
the State. The Legislature shall provide
by general laws, for a just and equitable
system or systems for the use and distribution
of such waters, which shall prevent waste
or imposition and shall regulate and protect
the private and public use thereof; and
for that purpose the Legislature may create
a Board of State Commissioners or County
Commissioners or both and declare their
powers, duties and responsibilities.

An. Relation ^{to} Officials
Amendment 286
To the Committee

(102)

Executive Department

286

Oct 12 1878

Referred to Com.

on
Executive Report

Geo. A. Thornton
Apr. 1878

Apr 2. of 8

Reported back with
Substitute Am to 468
Thornton
as per

Submitted by
H. W. Smith of
San Francisco

Oct. 14, 78

To the Committee on
Executive Department
House —

Sec. 1. All State, County or Township
officers elected or appointed shall
be ineligible for any additional
office of trust or profit

Submitted by
A. W. Smith of
San Francisco
Oct. 14, 78,

Proposition 287
for
a System
Gradual
Taxation
Amendment 287

Oct. 18/47
Referred to Committee
on
Revenue & Taxation
Geo. A. Thayer
Asst. Secy

Nov. 18, 1898
Reported back with
substitute amendment
No. 510. J. M. Wright
Asst. Secretary

Johnson
Johnson Rev. T. J. Carter

Section =

every Person or Corporation
in this State shall pay an
additional yearly tax for State
County and Town purposes
of 5¢ per Centum on each 300 acres
of land over and above 200 acres
owned ~~and~~ ^{or} Controlled by him

Chas. J. Jenson

289

Amendment 289
Concerning
Revenue & Taxation

Oct. 12, 1878
Referred to Com-
on
Revenue & Taxation
Geo. W. Thompson
Clerk Secy

Nov. 18, 1878.
Reported back with
substitute amend-
ment, No. 570,
J. M. Wright,
Asst. Secretary

Thompson
Thomson
Rev. J. J. Fawcett

Revenue and Taxation

Resolved, That Article Eleven Section Thirteen be amended so as to read as follows:

Article XII.

Section 13. That All property within this state except the property of the United States, of the State, and of Municipal Corporations be subject to taxation.

Taxation shall be equal and uniform throughout the state and no one species of property from which a tax may be collected shall be taxed higher than any other species of property of equal value.

Lands and improvements shall be taxed separately, but every ^{due} tax upon the improvements shall be a lien upon the land upon which such improvement shall be whether such improvements be assessed to the owner of such land or not.

All lands and improvements thereon all monies, goods, chattels Real or personal, investment in Bonds, stocks and other personal property except growing crops

shall be taxed in proportion to their unincum-
bered value to be ascertained as directed
by law; but assessors and collectors of town
county and state taxes shall be elected by
the qualified electors of the district county
or town in which the property taxed for state
county or town purposes is situated.

The owner of any lands incumbered by him
of Mortgage Trust Deed or other security
for debt shall in the first instance pay
all taxes assessed against the same and
which are a lien upon the same. But so
much of any such tax so paid by such
owner as is equal to the fractional part
~~that~~ of that such debt bears to the unincum-
bered value thereof shall be a credit upon
such debt as of the day such tax shall be
so paid. And the owner of money goods
chattels Real and personal, Bonds, Stocks,
and other taxable ^{personal} property shall in the first
instance pay all taxes assessed against
the same. But so much of any such tax
so paid by such owner as is equal to
the fractional part ^{unincumbered} that the debts of such
owner evidenced by notes or promises in

writing bears to the assessed value thereof
shall be a credit upon such debts as of
the day such tax shall be so paid.

290
Unamended 290

Forwarded
Concerning
Legislative Dept

Oct. 21/78
Refers to Com-
mittee on Legisla-
tive Dept

Sec. A. Thornburn
Apt. Secy

Nov 11. 78
Reported back with
Substitute Am No 501

Thornburn
Asst Sec

Forwarded
Leg. Dept

Legislative Department

Resolved. That Article Four Sections 2-3-5-6-16 and 17. be amended so as to read as follows:

Article IV.

Section 2. The sessions of the Legislature shall be quadrennial and shall commence on the first Monday of January next ensuing the election of its members unless the Governor of the State shall in the interim convene the Legislature by proclamation. No session shall continue longer than ninety days.

Section 3. Members of the Assembly and Senate shall be chosen quadrennially by the qualified electors of their respective districts on the first Wednesday in September unless otherwise ordered by the Legislature and their term of office shall be four years.

Section 5. Members of the Assembly and Senate shall be qualified electors in their respective counties and districts which they

represent and no person shall be a member of the Assembly or Senate who has not been a citizen inhabitant and qualified elector for one year next before his election of the state and of the county or district for which he shall be chosen.

Section 6. The number of Senators shall not be less than one third nor more than one half of that of the members of the Assembly.

Section 16. Any Bill may originate in either House of the Legislature and all bills passed by one House may be amended in the other. No Bill shall be introduced in either House on and after the Tenth day next preceding the day fixed for the final adjournment of the Legislature nor shall any bill be passed by either House after 12 o'clock noon of the last day of any session, but veto messages may be considered up to the hour of final adjournment.

Section 17. Every Bill which may have passed the Legislature shall before it becomes a law be presented to the Governor. If he approve it he shall sign it but if not he shall return it with his objections to the House in which it originated which shall enter the same upon the journal and proceed to reconsider it. If after such reconsideration it again passes both Houses by yeas and nays, by a majority of two thirds of the members of each House it shall become a law notwithstanding the Governors objections. If any bill shall not be returned within ten days after it shall have been presented to him (Sundays excepted) the same shall become a law in like manner as if he had signed it unless the Legislature by adjournment prevent such return.

The Governor may approve any appropriation and disapprove any other appropriation in the same bill by signing the Bill and designating the appropriation disapproved and sending a copy of such appropriation with his objections to the House in which it originated and the same proceedings shall be had on that part disapproved as on other Bills disapproved by him.

Judicial Department

Section 1.

The judicial power of this State shall be vested in a Supreme Court, in District Courts of Appeals, in District Courts and in ~~Courts of~~ Justices of the Peace.

Section 2.

The Supreme Court shall ~~have~~ consist of nine Justices, one of whom shall be commissioned by the Governor as Chief Justice. The presence of seven Justices shall be necessary for the transaction of business except such as may be done at Chambers, and the concurrence of five Justices shall be necessary to pronounce a judgment.

Section 3.

The Justices of the Supreme Court shall be elected by the qualified electors of the State at the general elections, for the term of fifteen years: provided that whenever more than one Justice is to be elected at the same time, each elector may vote for only

one half the number to be elected, if an even number, or if an odd number then for only one more than a half the number to be elected.

Section 4.

The Supreme Court- shall have appellate jurisdiction, upon questions law, in all cases which involve the legality of any tax, impost, assessment, toll or municipal fine, or in which the demand, exclusive of interest, or the value of the property, in controversy amounts to three thousand dollars; and also in all criminal cases amounting to felony; and also to determine all such questions of Constitutional or Statutory construction and law as may be sent to it by a District Court of Appeals.

The Court- shall also have power to issue writs of Mandamus, certiorari, prohibition and habeas Corpus, and also all writs necessary or proper to the complete exercise of its appellate jurisdiction. Each

of the Justices shall have power to issue writs of habeas Corpus to any part of the State, upon petition on behalf of any person held in actual custody, and may make such writ returnable before himself, or the Supreme Court, or before any District Court of appeals ~~or District Court~~, or before any District Judge in the State.

Section 5: The State shall be divided into nine judicial districts, subject to alteration from time to time by the Legislature, provided that the number thereof shall not be increased. There shall be four District Judges in each judicial district, except the first, in ^{which} there shall be nine District Judges. The District Judges shall be elected, at the general elections for the term of twelve years, provided that whenever more than one Judge is to be elected at the same time, in the same district, each elector may vote only for one

half the number to be elected, if an even number, or if an odd number then for only one more than a half.

Section 6: Terms of the District Court shall be held in each County of the State by a single Judge and when so held shall have original jurisdiction in all cases, provided that in the first-district one or more of said Judges to be designated by the Governor shall have exclusive jurisdiction in all Criminal Cases, jurisdiction of which shall not have been vested by the Legislature in Justices of the Peace.

Section 7: The Chief Justice of the Supreme Court shall assign one of the Justices of the Supreme Court to each judicial district, who shall with at least two District Judges hold ^{the} District Court of Appeals in his district, provided, that

in the absence of the Justice of the Supreme Court, the District Court of appeals may be held by three ^{or more} District Judges. The Justice of the Supreme Court, or in his absence, the Senior District Judge of the district, shall preside in the District Court of appeals.

Section 8: The District Courts of Appeals shall have appellate jurisdiction in all cases commenced in the District Courts or ~~any inferior court~~ ~~inferior~~ Courts of Justice of the Peace. And no appeal shall be allowed to the Supreme Court - except from the District Courts of appeals.

Section 9: The District Courts of Appeals shall hear and determine all motions for new trial, made in the District Courts; and when a new trial is granted, it may proceed and try the case de novo. No appeal shall be allowed to the Supreme Court - from an order granting or refusing a new trial.

Section 10: The Legislature shall determine the number of Justices of the Peace in each City and Township of the State, and fix by law their powers, duties and responsibilities, provided that their jurisdiction shall not extend to any case criminal case amounting to felony or to any Civil Case in which ^{the} amount or value of the property in controversy exceeds three hundred dollars. The Supreme Court, ^{and} the District Courts ~~and the District Courts of Appeal~~ shall be Courts of Record.

Section 11 The Legislature shall provide for the election of a Clerk of the Supreme Court, County Clerks, District Attorney, Sheriffs and other necessary officers, and shall fix by law their duties and compensation. County Clerks shall be ex officio Clerks of the Courts of Record in and for their respective Counties.

The Legislature may also provide for the appointment by the District Court of appeals, in each ~~district~~ judicial district, of one or more Commissioners for each County in the district, with authority to perform Chamber business of the District Judges and also to take depositions and acknowledgements.

Section 12: The times and places of holding the terms of the several Courts shall be provided by law.

Section 13: No judicial officer except Justices of the Peace and Commissioners shall receive to his own use any perquisites of office.

Section 14: The Legislature shall provide for the speedy publication of such opinions of the Supreme Court as it may deem expedient; but all opinions shall be free for publication by any person.

Section 15: The Justices of the Supreme Court and District Judges shall severally receive, at stated times for their services, a compensation which shall not be increased or diminished during the term for which they shall have been elected: Provided that the Justices of the Supreme Court first elected under this Constitution shall receive ^{an} annual salary of six thousand dollars each; and the District Judges first elected under this Constitution shall receive an annual salary of five thousand dollars each.

Section 16: The Justices of the Supreme Court and the District Judges shall be ineligible to any other than a judicial office during the term for which they shall have been elected.

Section 17: Judges shall not charge juries with respect to matters of

fact, but may state the testimony and declare the law.

Section 18: The style of all process shall be "The People of the State of California" and all prosecutions shall be in conduct in their name and by their authority.

Section 19: The Supreme Court shall prescribe uniform rules of practice for all courts of record in the State.

Section 20: The City and County of San Francisco shall constitute the first judicial district.

Now will follow the other districts.

291
Judicial Department
Amendment to Article
VI
Amendment 291

Oct. 14/28
Referred to
Judiciary Com-
mittee,
Geo. A. Thayer
Asst. Secy

Nov 13/28
Reported back with
substitute Am to 503
Thornton
asst sec

Dully
Incl. Inclusions

292

Ann. Am. 292
In Relation to
the Chinese

Oct 12

Reported to
Committee on
Chinese
Geo. A. Thurston
Asst. Secy

Oct 31. 48

Reported back with
Substituted Am No 454

Thurston
Asst Secy

Little
Little Chinese

In Relation to Chinese -

SEC. ~~47~~ 1 Any corporation receiving its charter or act of incorporation by or under the laws of this State shall forfeit such charter, and all legal rights thereunder, if it ever employs, in any capacity whatever, foreigners who are not eligible to become citizens of the United States under the laws of Congress. This section shall be enforced by appropriate legislation.

SEC. ~~48~~ 2 The Governor of the State shall by proclamation forbid the entrance into this State, from and after the 4th day of July, 1880, of any foreigner who is ineligible under the laws of Congress to become a citizen of the United States; and the Legislature shall empower the Governor, in case of disobedience of his

proclamation, to expel by force any such foreigner who shall have arrived in the State after the 4th day of July, 1880, upon giving him thirty days' notice of the intention to expel him. Provided, that nothing in this section shall authorize the Governor or any other State officer to forcibly resist any law officer, or the civil or military power of the United States.

SEC. ~~49~~ 3 If by any law of Congress, or by any active interference in the Government of the United States, the Governor should be prevented from expelling the class of foreigners named in the preceding section in the manner prescribed in said section, he shall have the constitutionality of such laws of Congress or such interference of the Government of the United States in the affairs of the Government of the State of California tested in the United States Supreme Court, and yield obedience to the decision of said Court, if it should be adverse to the State of California.

In Relation To

TAXATION.

SEC. 1. The taxing power shall be exercised by the Legislature for State purposes and by counties, and incorporated cities and towns when authorized by the Legislature.

SEC. 2. Taxes shall be levied and collected for public purposes only, and shall be uniform, and levied and collected by general laws; and in order to insure a just levy and collection there is hereby constituted a State

~~Board of Equalization composed of the Secretary of~~ Board of Equalization, composed of the Secretary of State, Secretary of Interior Affairs, and Attorney General, which shall have the power to revise all levies of taxes for the purposes of State, and the Tax Collectors throughout the State shall be governed by the rules and regulations prescribed by the Board of Equalization; and the Board of Supervisors of their respective counties, and cities and counties shall be a Board of Equalization for such counties, or cities and counties.

SEC. 3. The Legislature shall provide for an annual tax sufficient to meet all necessary appropriations for the ordinary expenses of the State government, including any portion of the State debt becoming due or the interest thereon, the support of all State officers and all institutions under the care and management, and for the necessary support of the Public Schools, as may be provided by law, but no State tax levied in any one year shall exceed twenty cents on the one hundred dollars of property taxed.

SEC. 4. The several Counties of the State and consolidated cities and counties, shall have the right to levy a tax for necessary county purposes, but no such tax, for any one year, shall exceed thirty cents on the one hundred dollars of property; provided, that a reasonable additional tax may be levied by a unanimous vote of the Supervisors of any county or consolidated city and county to pay debts already legally incurred.

SEC. 5. Taxes collected for State purposes shall be paid into the State Treasury, and all taxes collected for county, and city and county purposes, shall be paid into the County Treasury.

SEC. 6. Every person and corporation shall pay taxes in proportion to the value of his, her, or its property within the State, except as in hereafter provided.

SEC. 7. All real estate shall be taxed, and in the assessment of land for taxation the improvements shall be separately assessed and, uncultivated land, whether fenced or unfenced, shall be taxed at the same price

as cultivated land of the same quality similarly located.

SEC. 8. All personal property of every character and description that has a cash value in the market, shall be assessed and taxed at its market value except as in here provided. All bonds and mortgages shall be taxed to the owner of the same. All money whether on hand or on deposit in charge of others, shall be taxed to the owner. All solvent debts shall be assessed and taxed to the party to whom they are owing, but no debts due on open account with farmer, mechanics and trades people, shall be subject to taxation. All mining stocks shall be taxed. All water stocks and gas stocks shall be taxed at their market value. All railroad stock shall be taxed at its market value. All the property, real and personal, of corporations, except as in hereafter provided, shall be assessed and taxed.

Amendment # 293, page 1 of 3

per cent. on the excess of five thousand

SEC. 9. In assessing the property of any person for taxation all his debts, of every description, owing to any one within the limits of the State, excepting those owed on open running account to merchants, traders and professional men, shall be deducted from the total amount of property found in his possession and ownership, and the surplus only, shall be assessed for taxation.

SEC. 10. No corporation except for benevolent, religious, scientific or educational purposes shall be hereafter formed, under the laws of this State, unless the persons named as incorporators, shall, at or before the filing of the articles of incorporation, pay into the State Treasury one hundred dollars for the first fifty thousand dollars of his stock, and a further sum of twenty dollars for every additional ten thousand dollars of its capital stock, and no such corporation shall hereafter increase its capital stock without first paying into the State Treasury twenty dollars for every ten thousand dollars of increase.

SEC. 11. No license tax shall be imposed by this State on any municipality thereof, upon any trade, calling, occupation or business, except the following: The manufacture and sale of all kinds of wine, spirituous and malt liquors, shows, theaters, menageries, slight of hand performances, exhibitions for profit, and such other business and occupations of like character as the Legislature may judge the public peace or good order may require to be under special State or municipal regulation and control.

SEC. 12. A succession tax shall be imposed and collected upon all legacies and distributive shares derived from the estates of all deceased persons; provided that no child, brother, sister, father, mother, husband or wife of any deceased person shall pay such succession tax (non-resident aliens excepted) unless the distributive share of such person amounts in the aggregate to more than five thousand dollars in value, in which case all such persons shall pay a tax of one per cent on the excess of five thousand dollars. All other persons, corporations and associations (except non-reside aliens and foreign associations and corporations) shall pay a like tax of one per cent on the value of what they may respectively receive. Non-resident aliens and foreign corporations and associations shall pay a tax of two per cent on the aggregate value of any distributive share they may respectively receive.

Sec 13 The net yearly proceeds of all News Papers Published in the State shall be taxed as personal property -

SEC. 14 The Legislature shall by law exempt five hundred dollars worth of every one's property from taxation.

SEC. 15. The following property, and no other, in addition to the amount named in the preceding section, shall be exempt from taxation: Property belonging to the State, lands ceded to or belonging to the United States, buildings for free public schools, buildings for religious worship and the land upon which they stand and immediately surrounding the same, to an extent not exceeding one acre, provided said building and land are occupied and used exclu-

sively for religious, literary or educational purposes. **Property, real and personal, held for or by any incorporated library society or free public library, or any free public library society; provided said property is held exclusively for library purposes, or land for the aid or support of poor, friendless children, or for the aid or support of the aged poor; or for a free hospital for the sick or disabled; or any fund given or held for the purpose of free public education. - Also, all bonds and securities issued and exempt from taxation by the laws of the United States. Also, money lent to farmers and secured by mortgage on the farm of the borrower, to the amount of Three Thousand Dollars to any one farmer, and no more. Also, money lent on growing crops when secured by a mortgage of the crop, to the amount of One Thousand Dollars, and no more. The type, presses and furniture of all newspaper establishments. The pipes and all other fixtures of water and gas companies. The railroad beds and rolling stock of all railroad companies.**

SEC. 16. For the first year, and no longer, that any person is engaged in the business of farming or cultivation of the soil, all his or her property of every kind and description shall be exempt from taxation.

293
Amendment 293

In Relative
to
Taxation

Oct. ~~14~~ 1878
Referred to Com-
mittee on Revenue
& Taxation
Geo. W. Thurston

Nov. 18, 1878
Reported back
with substitute
Amendment No. 510.

Jell. Wright,
Asst. Sec. & Clk.

Little
J. Little, Rev. Sec.

294
Amendment N^o
to art. 5. Sec 13.
Amendment 294

Relative to
Pardoning power

Oct. 12
Referred to Com-
mittee on
Pardoning Power
Geo. A. Thompson
Oct. 12/97

Oct. 30/98
Reported back. that it be
not adopted
Thomson

As re-
offered by
Alphonse Vacquerel

Oct. 14/98
Pardoning Power

Proposed amendment to article five
Section thirteen of the constitution of
California

Sec. 13. The Governor shall have power to
grant reprieves, commutations and pardons,
after convictions, for all offences, subject to
such regulations as may be prescribed by
law, relative to the manner of applying
therefor.

But, when a criminal has been sentenced
to death, and the execution should fail
to take place on the day set, said
sentence shall be commuted, and another
penalty inflicted.

295
Amendment 295
Rights of Suffrage

Oct. 7 1878
Referred to Com-
Rights of Suffrage
Geo. A. Thompson
Apt. Secy

Nov 13. 78
Reported back with
Substitute Am to 501
Thompson
and secy

Wells
Right of Suffrage

Article Any alien who shall hereafter declare
his intention of becoming an American citizen
and take out his first papers shall enjoy all
the rights of a citizen except the right
to vote or hold office

Wellin

To Committee on Right of suffrage

296
Amendment 296

on Taxation

Oct. 14/78
Referred to
Committee on
Revenue & Taxation
Geo. A. Thompson
Asst. Secy

Nov. 18, 1898
Reported back
with substitute
amendment No. 510.
J. M. Wright,
Asst. Secy

Hellm
Res. & Sax-

Taxation

Article - All companies incorporated within the State of California whose stock is of high and unknown value, ~~as~~ held privately as a close corporation shall be assessed upon the full par value of their stock.

Article - all foreign incorporation doing business in this State of California shall be taxed upon the amount of capital used within the State to carry on such business.

Article - all railroads shall be assessed upon their road bed for the full amount of the cost of construction such roadway.

Article - Farm intentions in actual use farm houses fences fruit trees and forest trees planted by the people and all growing crops shall be exempt from taxation.

Article - for non payment of taxes State County or incorporated towns shall sell such ~~property~~ property as the tax becomes delinquent upon such sales and deeds of conveyance to be governed by acts of the legislator.
Farming Mineral and timber lands for non payment of tax shall revert to the state.

Willis

Amended The 297
Standard of
Moral Instruction
In
Our Public Schools

Oct. 12th 1878
Referred to Com-
mittee on Education

Geo. A. Thompson
Sect. Secy

Dec 13/78
Reported back
with substitute
am #573.
Chait
at sec
Ch.

Education J. J. Wickes

To, Article on Education
Sect. Blank.

The standard of moral instruction in our public schools shall be that set forth in the Bible, precluding sectarianism.